

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1( b)**

Denise Carlon, Esquire  
KML LAW GROUP, P.C.  
216 Haddon Avenue, Ste. 406  
Westmont, NJ 08108  
U.S. BANK NATIONAL ASSOCIATION FOR THE  
HOLDERS OF THE TERWIN MORTGAGE TRUST  
2005-11, ASSET-BACKED SECURITIES, SERIES  
2005-11

In Re:

Frank Cear

DEBTOR(S),



Order Filed on November 13, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No: 13-35225 KCF

Chapter: 13

Hearing Date: 11/08/2017

Judge: Kathryn C. Ferguson

**ORDER VACATING STAY**

The relief set forth on the following page is hereby ordered **ORDERED**.

**DATED: November 13, 2017**

  
Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

Upon the motion of U.S. BANK NATIONAL ASSOCIATION FOR THE HOLDERS OF THE

TERWIN MORTGAGE TRUST 2005-11, ASSET-BACKED SECURITIES, SERIES 2005-11, under Bankruptcy Code section 362(a) for relief from the automatic stay as to certain property as hereinafter set forth, and for cause shown, it is

ORDERED that the automatic stay is vacated to permit the movant, to institute or resume and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to pursue the movant's rights in the following:

☒ Real Property More Fully Described as:

**Land and premises commonly known as 5 Erin Drive, Jackson NJ 08527**

☐ Personal Property More Fully Describes as:

It is further ORDERED that the movant, its successors or assignees, may proceed with its rights and remedies under the terms of the subject Mortgage and pursue its State Court remedies including, but not limited to, taking the Property to Sheriff's Sale, in addition to potentially pursuing other loss mitigation alternatives, including, but not limited to, a loan modification, short sale or deed-in-lieu foreclosure. Additionally, any purchaser of the Property at Sheriff's Sale (or purchaser's assignee) may take any legal action for enforcement of its right to possession of the Property.

It is further ORDERED that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

The movant shall serve this order on the debtor, any trustee and any other party who entered an appearance on the motion.

*rev. 7/12/16*

In re:  
Frank Cear  
Debtor

Case No. 13-35225-KCF  
Chapter 13

### CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Nov 14, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 16, 2017.

db Frank Cear, 5 Erin Dr, Jackson, NJ 08527-5353

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 16, 2017

Signature: /s/Joseph Speetjens

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 14, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com

Albert Russo docs@russotrustee.com

Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com

Denise E. Carlon on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, Et Al...

dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Denise E. Carlon on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION FOR THE HOLDERS OF  
THETERWIN MORTGAGE TRUST 2005-11, ASSET-BACKED SECURITIES, SERIES 2005-11

dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

John R. Morton, Jr. on behalf of Creditor Ford Motor Credit Company, LLC

ecfmail@mortoncraig.com, mortoncraigecf@gmail.com

Marc C. Capone on behalf of Debtor Frank Cear mcapone@caponeandkeefe.com,  
docs@caponeandkeefe.com

Robert P. Saltzman on behalf of Creditor EverBank dnj@pbslaw.org

Tammy L. Terrell on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION FOR THE HOLDERS OF  
THETERWIN MORTGAGE TRUST 2005-11, ASSET-BACKED SECURITIES, SERIES 2005-11 bankruptcy@feinsuch.com

TOTAL: 9